



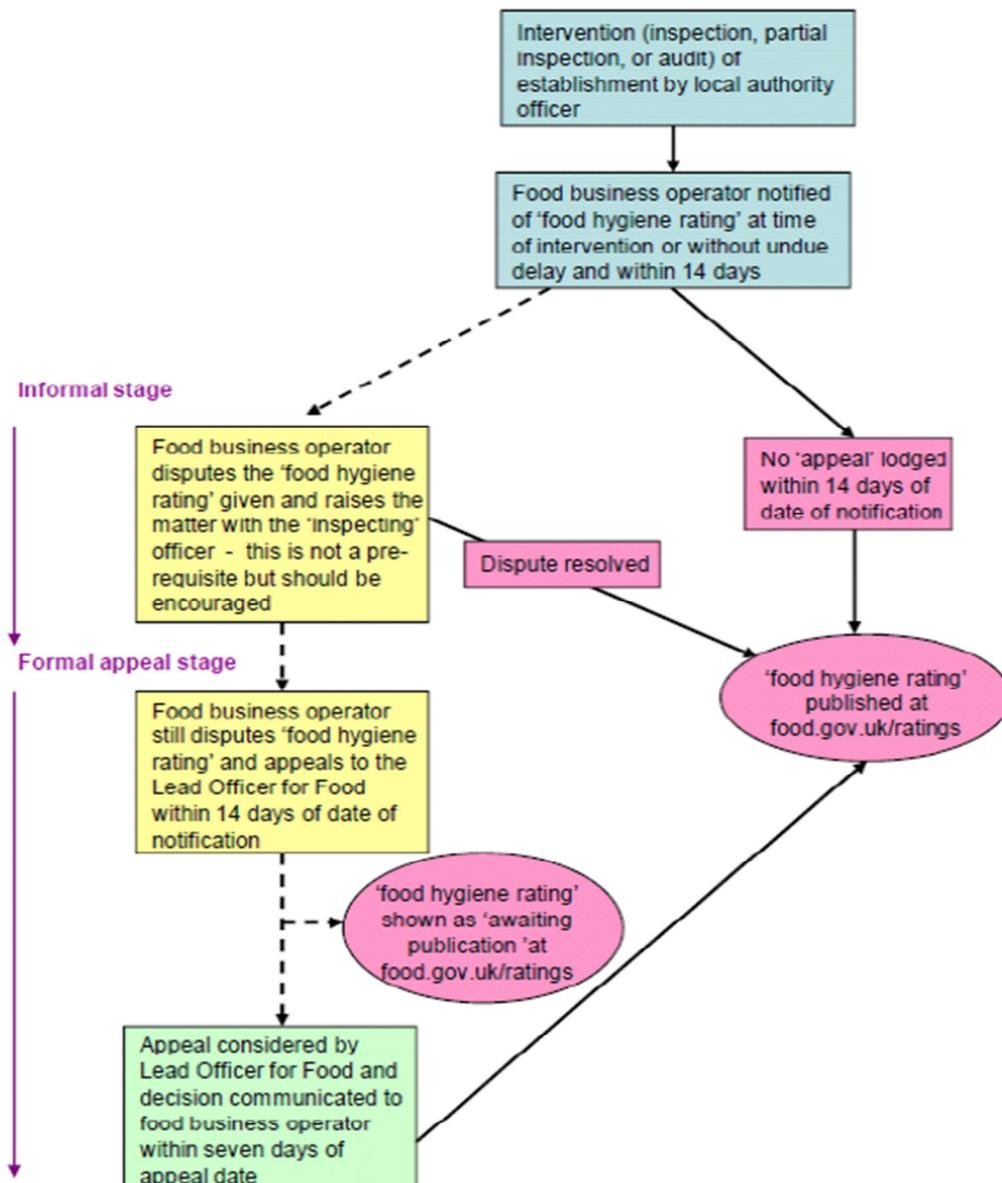
FOOD HYGIENE RATING

FOOD HYGIENE RATING SCHEME APPEALS PROCEDURE

1. To ensure fairness to businesses an appeals procedure is in place for food business operators (FBO) to dispute the food hygiene rating given in respect of their establishment if they consider it to be unjust.

- 1.1 The appeals procedure is illustrated in the following flow chart.
- 1.2 Further guidance in Q&A format is provided below.

Flowchart illustrating the appeals procedure



How long does an FBO have to appeal the food hygiene rating before it is published?

The appeal has to be made in writing within the period of 14 days beginning with the date of notification. Note: "Days" includes weekends and bank holidays.

The appeal form can be downloaded from the Council's website, or you can telephone 01254 380 651 and ask for one to be sent to you in the post.

How should appeals be handled?

In the first instance, the FBO is encouraged to discuss the issue informally with the inspecting officer who can clarify and explain further how the rating was derived. Every effort should be made to resolve the matter at this stage before resorting to the appeal procedure.

If the dispute is not resolved informally, the FBO may lodge an appeal in writing using the prescribed form and the matter will be considered by the food safety team manager or their designated deputy.

The manager's decision will be communicated to the FBO as soon as possible and within a maximum of 7 days from the date that the appeal was lodged.

Where the food hygiene rating is being appealed, will the rating in dispute be published online at and displayed at the establishment?

No. Until the outcome of the appeal is determined by the food safety team manager, the ratings section of the Food Standards Agency website will show that the assessment of hygiene standards is 'awaiting publication'.

Will appeals lodged later than 14 days after the notification of the food hygiene rating be considered?

No. Appeals must be made within 14 days of the notification of the food hygiene rating.

Can an FBO appeal a 'new' food hygiene rating given following a re-inspection/re-visit that they have requested?

Yes. Just like with the initial assessment, an FBO may appeal in such cases if it is considered that the 'new' food hygiene rating is unjust. Appeals must be made within 14 days of the notification of the rating.

When will the food hygiene rating be published online following an appeal?

Once the food safety manager has reviewed the ratings and communicated the outcome of the appeal to the FBO.

What happens if the FBO disagrees with the outcome of the appeal?

The FBO can challenge the Council's decision by means of judicial review. The FBO has recourse to the Council's complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered.

Is Hyndburn Borough Council's complaints procedure part of the appeal process?

The Council's complaints procedure does not form part of the FHRS appeals procedure. There is sufficient legal protection given to FBO's as appeals are determined by the Council's lead officer for food.